

In coming
cc: Leslie



Ames Construction, Inc.

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July 25, 2008

Dana Dean, Associate Director
Utah Department of Natural Resources
Division of Oil, Gas & Mining
1594 West Temple Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

**Re: Permit # M0470089/UDOGM Task 1749
TME Asphalt Ridge Mine #1
Request Approval**

Dear Ms. Dean:

On behalf of TME Asphalt Ridge, LLC, Ames Construction, Inc. is requesting expeditious approval of the subject operating permit. SITLA has formally approved the surety bond estimate and the public comment period yielded only two routine agency comments regarding air quality and cultural clearances. We are in the process of obtaining archeology and paleontology resource clearances on State Land associated with the project. This may take well in excess of a month from this letter date assuming an eligible or unavoidable resource is not encountered. We assure DOGM that the operations will not disturb any portion of the State Land until surveys are complete and accepted by SHPO and the State Paleontologist.

TME retained an air quality consultant to evaluate the need to acquire a process operating air quality permit. The analysis supports that an application is not required as the facility does not meet the state air quality emission requiring a permit. Please note the NOI provides a description of the process (water separation and no chemical additions). The ore is an oil based product (5-20% oils) from the open pit through the processing, no fugitive dust. The comment provided by Bureau of Air Quality during the public comment period was a general statement. Attached is the fugitive dust control plan site operations must comply with. Operators are trained and the plan is posted.

It is unrealistic to expect all ancillary permits to be complete before issuance of the mining permit. This unwarranted requirement is a costly burden as operators are on standby until the permit is formally issued. It may be a year or more before the un-surveyed State Land is disturbed. Consider rather issuing the permit with the cultural clearance condition stipulated. We are confident that the information provided to date fully satisfies the mining permit application requirements.

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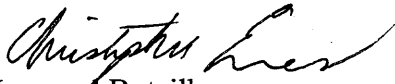
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DIV. OF OIL, GAS & MINING

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It is critical that the permit be in a position for issuance upon filing the surety, which we believe will be next week. Thank you for your efforts on this matter. Please contact me with any questions or concerns and thank you for your cooperation on this important matter.

Sincerely

 for
Leonard Boteilho
Senior Manager

Enclosure

cc: John Baza, Director, Division of Oil, Gas and Mining
Jim Runquist, TM&E
Robert Trent, TM&E

Ames Construction Fugitive Dust Control Plan for TME Asphalt Ridge, Mine #1 property

Activity	Level I Control	Level II Control	Level III Control	Level IV Control
Dust Suppression	Apply Water as necessary to maintain adequate soil moisture content and/or Apply chemical dust control products on finished areas.	Apply Water as necessary to maintain adequate soil moisture content and/or Apply chemical dust control products on finished areas.	Apply Water as necessary to maintain adequate soil moisture content.	Apply Water as necessary to maintain adequate soil moisture content.
*Material Handling (Scraper, Excavator)	*Maintain moisture in stockpiles, when practical. *Selection of suitable materials *Implementation of Good Housekeeping Practices	*Wet suppression as necessary to maintain adequate soil moisture content.	*Load out materials on down wind side of the stockpile. *Minimize material handling	*Cease operations until conditions improve.
*Front-end Loaders	*No action required due to material and/or weather conditions	* Minimize drop heights. * Minimize spillage.	* Apply water to work area and/or material.	* Cease operation until conditions improve.
*Haul Trucks (transport) (On Highway Trucks)	* Maintain adequate freeboard on all loads.	* Apply water and/or chemical dust suppression sprays.	* Cover loads	* Cease operation until conditions improve.
*Haul Trucks (dumping)	* Minimize drop heights. * Minimize disturbed areas.	* Apply water suppression sprays.	*Apply water at dump point.	* Cease operation until conditions improve.
*Material Processing (crushing, screening & conveying)	* No action required due to material and/or weather conditions.	* Apply water and/or chemical dust suppression sprays.	*Wet suppression at conveyor feed and discharge points w/air misters.	* Cease operation until conditions improve.
*Material Storage	* Minimize drop heights. * Minimize disturbed areas.	*Apply Water * Pre-wet material.	* Apply water and/or chemical dust suppression sprays. Minimize Stockpile disturbance.	* Cease operation until conditions improve.
*Unpaved Roads and Work Areas	* Maintain roads and work areas.	* Apply water suppression sprays to area.	* Reduce vehicle speeds. * Apply chemical dust suppression product.	* Cease operation until conditions improve. * Continue to apply water.
*Paved Roads and Work Areas	*No action required under normal conditions.	*Sweep and/or wash road surfaces. Use Transition Zones	*Reduce Vehicle Operating Speeds.	* Cease operation until conditions improve. * Continue to apply water.
*Exposed Surfaces	* No action required due to surface and/or weather conditions.	* Apply water to exposed work areas.	*Apply water suppression at 2X frequency or use chemical dust suppression.	* Cease operation until conditions improve. * Continue to apply water.
*Bulldozing	* No action required due to surface and/or weather conditions.	* Apply water suppression sprays.	*Increase frequency of wet suppression application.	* Cease operation until conditions improve.
*Grading	* No action required due to surface and/or weather conditions.	* Apply water to area worked.	*Increase frequency of wet suppression application.	* Cease operation until conditions improve.